



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,035	02/02/2006	Clive Alan Brown	20860/09001	6767

27530 7590 11/13/2006

NELSON MULLINS RILEY & SCARBOROUGH, LLP
1320 MAIN STREET, 17TH FLOOR
COLUMBIA, SC 29201

EXAMINER

CYGAN, MICHAEL T

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/532,035	BROWN, CLIVE ALAN	
	Examiner	Art Unit	
	Michael Cygan	2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-16 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 6 and 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>21 April 2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 7, 13, 14, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Fournier (US 5,671,158). Fournier discloses the claimed invention, a device for testing the exhaust emissions of an internal combustion engine [12] comprising a base station [14], an exhaust gas sensor [20], hand portable display device [27 or 22] having input terminal means [41], wireless radio transmission [17], gas analyzer [20] providing test results to the computer memory (column 5 lines 39-43). Gas sensor 20 is plugged into base station [14] by a port on the front panel of the base station that facilitates transfer of data; see Figure 3. See entire document.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2855

Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fournier (US 5,671,158) in view of Vojtisek-Lom (US 6,435,019 B1). Fournier teaches the claimed invention except for the use of an engine speed sensor and an oil temperature probe wirelessly connected to the display device. Vojtisek-Lom teaches an exhaust sensor system having an oil temperature sensor [29] and an engine speed sensor [18], where the sensor results are sent to a computer (column 4 lines 11-31 and 63-65; column 5 line 58 through column 6 line 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use engine speed sensor and an oil temperature probe as taught by Vojtisek-Lom in the invention taught by Fournier to gather additional sense data to be sent wirelessly to the operator display, since this would provide the operator with more useful data about auto operation.

Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fournier (US 5,671,158) in view of Winchell (US 2002/0118657 A1). Fournier teaches the claimed invention except for a printer included in the base station. Winchell teaches a base station for communicating with peripheral and wireless devices, in which a printer [74] is included in the base station; see Figures 1 and 3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a printer as taught by Winchell in the invention taught by Fournier, since printers have well known usefulness in printing out hard copies for storage and customer records.

Art Unit: 2855

Claims 8, 9, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fournier (US 5,671,158) in view of JP 9-251328. Fournier teaches the claimed invention except for a display docking port adapted to orient the display. JP 9-251328 teaches a docking port for a display, where the docking port orients the display (Figures 3,8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use an orientable docking port as taught by JP 9-251328 in the invention taught by Fournier to hold the display, since this would allow the user to position the display at a desired orientation and thus improve visibility.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fournier (US 5,671,158) in view of Doyle (US 2003/0159044 A1). Fournier teaches the claimed invention except for the use of a smart card reader. Doyle teaches the use of a smart card reader [430] for ensuring the security of a station. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a smart card reader as taught by Doyle in the invention taught by Fournier, since this would limit unauthorized access to privileged information.

Allowable Subject Matter

Claims 6 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, since the prior art neither discloses nor fairly

Art Unit: 2855

teaches a docking port including a heater capable of maintaining a sensor at a desired temperature in combination with the other positively recited elements of the claims.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cygan whose telephone number is (571) 272-2175. The examiner can normally be reached on 8:30-6 M-Th, alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


MICHAEL CYGAN, PH.D.
PRIMARY EXAMINER